

United States District Court

E-filing

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Francisco REVUELTA-Espinoza

08-70581

RS

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, August 18, 2008, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
facts:

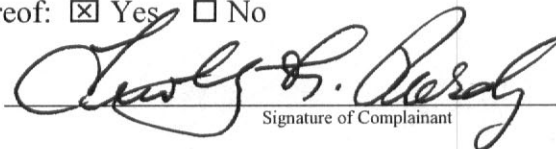
SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, ten years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No
Signature of Complainant

Sworn to before me and subscribed in my presence,

9/2/08

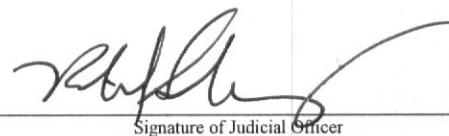
Date

at

San Jose, California

City and State

Richard Seeborg
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

RE: Francisco REVUELTA-Espinoza

A 27 116 082

I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT, Francisco REVUELTA-Espinoza, is a (47) year-old married male whose Date of Birth is currently understood to be December 31, 1967. He is a citizen and native of Mexico as substantiated by sworn statements made to that effect by the DEFENDANT on the following dates: July 23, 1998, August 27, 2002 and August 21, 2008;
- (2) The DEFENDANT has been assigned Alien Registration number of A 27 116 082, FBI number of 572076AA2 California Criminal State ID Number of CA07267791 and PFN Number BQM779;
- (3) The following are the Deportation/Removal dates for this DEFENDANT:
 - December 3, 1983 at the Calexico Port of Entry
 - September 27, 1984 at the Calexico Port of Entry
 - January 22, 1986 at the Calexico Port of Entry
 - September 11, 1999 at the Calexico Port of Entry
 - February 2, 2005 at the Nogales Port of Entry
- (4) On November 29, 1983, the DEFENDANT was convicted in the Municipal Court of California/County of San Mateo, for the following offense of: BURGLARY, a Misdemeanor, in violation of California Penal Code, Section 459, for which the DEFENDANT was sentenced to (36) days in jail.;
- (5) On June 9, 1997, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the following offense: POSSESSION OF A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code, Section 11377(a), for which the DEFENDANT was sentenced to (90) days in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 101(a)(43)(B);

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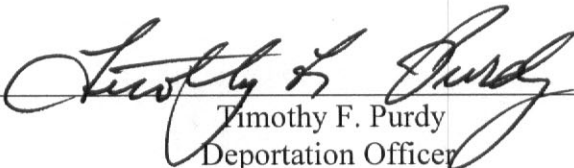
A 27 116 082

- (6) On November 21, 1997, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the following offense: POSSESSION OF A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code, Section 11377(a), for which the DEFENDANT was sentenced to (2) years in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 101(a)(43)(B);
- (7) On September 1, 1999, the DEFENDANT was convicted in the United States District Court, Northern District of California, for the following offense: ILLEGAL RE-ENTRY FOLLOWING DEPORTATION, a felony, in violation of Title 8 USC, Section 1326, for which the DEFENDANT was sentenced to (9) months in jail;
- (8) On January 21, 2003, the DEFENDANT was convicted in the United States District Court, Northern District of California, for the following offense: ILLEGAL RE-ENTRY FOLLOWING DEPORTATION, a felony, in violation of Title 8 USC, Section 1326, for which the DEFENDANT was sentenced to (31) months in jail;
- (9) On August 20, 2008, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the following offense: DRIVING UNDER THE INFLUENCE:ALCOHOL, a misdemeanor, in violation of California Vehicle Code, Section 23152, for which the DEFENDANT was sentenced to (40) days in jail;
- (10) The DEFENDANT, on a date unknown, but no later than August 18, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and removals/deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, Section 1326. On August 21, 2008, the DEFENDANT was interviewed by Immigration Enforcement Agent David Vargas at the Santa Clara County Jail. During the interview, the DEFENDANT was read his **Miranda** rights in the Spanish language. The DEFENDANT declined to invoke his **Miranda** rights and provided a written sworn statement attesting to his alienage as both: a Mexican citizen and national;
- (11) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;

RE: Francisco REVUELTA-Espinoza

A 27 116 082

- (12) On August 21, 2008, the DEFENDANT'S fingerprints were taken as part of the standard booking procedures. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with fingerprints of Francisco REVUELTA-Espinoza (A# 27 116 082) on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical.
- (13) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.


Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 2nd day of September, 2008


Richard Seeborg
UNITED STATES MAGISTRATE JUDGE